

VOTE-ONLY AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 ON PUBLIC SAFETY

ASSEMBLYMEMBER CRISTINA GARCIA, CHAIR

MONDAY, MAY 16, 2022
2:30 P.M. – STATE CAPITOL, ROOM 437

Due to the ongoing COVID-19 safety considerations, including guidance on physical distancing, seating for this hearing will be very limited for the press and for the public. All are encouraged to watch the hearing from its live stream on the Assembly's website at <https://assembly.ca.gov/todayevents>.

We encourage the public to provide written testimony before the hearing. Please send your written testimony to: BudgetSub5@asm.ca.gov. Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted.

A moderated telephone line will be available to assist with public participation. The public may provide comment by calling the following toll-free number: 877-692-8957, Access Code: 131 54 37.

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8940 CALIFORNIA MILITARY DEPARTMENT

VOTE-ONLY ISSUE 1: VARIOUS BUDGET PROPOSALS

1. Consolidated Headquarters Complex Operations and Support. The Governor's spring proposal request an increase of \$3.89 million in 2022-23, and \$4.33 million annually thereafter, and 32 positions to maintain the California Military Department's new Headquarters. This includes positions such as custodians, groundskeepers, and electricians, as well as equipment such as work vehicles and maintenance supplies.

2. State Active Duty Compensation Adjustment. The Governor's spring proposal requests Item 8940-001-0001 be increased by \$621,000 ongoing and reimbursements be increased by \$70,000 ongoing, Item 8940-001-0890 be increased by \$539,000 ongoing, and Item 8940-001-3085 be increased by \$20,000 ongoing to align the pay of the California Military Department's State Active Duty employees to the pay of service members of similar grade in the United States Army, Air Force, and Navy.

3. Air National Guard Facilities Operations and Maintenance Activities. The Governor's spring proposal requests Item 8940-001-0001 be increased by \$130,000 ongoing and 1.2 positions and Item 8940-001-0890 be increased by \$411,000 ongoing and 3.8 positions to provide maintenance personnel at the Air National Guard airbases in Fresno and Channel Islands.

4. Master Cooperative Agreement, Fund Alignment. The Governor's spring proposal requests Item 8940-001-0001 be decreased by \$298,000 ongoing and 4 positions and Item 8940-001-0890 be increased by \$298,000 ongoing and 4 positions to align the positions with the appropriate fund source. The majority of these positions' duties involve federal matters so this proposal shifts the funding for these positions from the General Fund to the Federal Trust Fund.

5. Sacramento Consolidated Headquarters Complex. The Governor's spring proposal requests Item 8940-301-0001 be increased by \$10.4 million to provide a supplemental appropriation for the Sacramento Consolidated Headquarters Complex project for the Military Department. It is further requested that Item 8940-491 be amended to provide for a reappropriation of 2021 Budget Act funds for this project. These additional funds will allow the project to be completed in late 2022.

6. Sustainable Armory Renovation Program: Eureka Project. The Governor's spring proposal requests Item 8940-301-0001 be increased by \$233,000 and Item 8940-301-0890 be added in the amount of \$233,000 federal match for the Sustainable Armory Renovation Program: Eureka project. It is further requested that Item 8940-492 be added to provide for an extension of liquidation period for earlier appropriated funds.

7. Los Alamitos: STARBASE Classroom Building. The Governor's spring proposal requests Item 8940-301-0001 be increased by \$1.99 million to provide a supplemental appropriation for the STARBASE Classroom Building project at the Joint Forces Training Base in Los Alamitos.

8. Consolidated Headquarters Complex. The Governor's Budget proposes \$158.5 General Fund million to pay off the Pooled Money Investment Account (PMIA) loan that is currently outstanding for the construction phase of the Consolidated Headquarters Complex in Sacramento. To finance projects funded by the Public Buildings Construction Fund, the State Public Works Board typically provides an interim loan for the construction phase of a project, then issues tax-exempt lease revenue bonds upon project completion. Federal tax code for the issuance of tax-exempt bonds requires, among other things, that bonds must be issued within three years of initial project expenditures. Due to significant delays in the construction completion schedule, this project no longer qualifies for tax-exempt financing, and would likely require the issuance of taxable bonds, which could significantly increase the cost of financing. This request will eliminate the need to issue costlier bonds, resulting in debt service savings of approximately \$120 million over the 25-year life of the bonds.

9. Consolidated Headquarters Complex Reappropriation. The Governor's Budget proposes reappropriation of the unencumbered balance of Public Buildings Construction Fund (lease revenue bond financing) for the continuing Design-Build phase of the Consolidated Headquarters Complex (CHQC) project in Sacramento.

10. State Information Technology Network—Phase 3. The Governor's Budget proposes 11 positions and \$3.1 million General Fund in 2022-23, and \$2.1 million General Fund annually thereafter, to continue the development, implementation, and maintenance of its State Information Technology Network.

11. State Personnel Staffing. The Governor's Budget proposes 4 positions and \$479,000 General Fund in 2022-23, and \$475,000 General Fund annually thereafter to provide the administrative staff capacity to meet the increase in requirements, reduce administrative errors in classification, payroll, benefits, accruals, etc., and ensure compliance with state policies and regulations.

12. Enhancing and Expanding Fire Crews (Operation Rattlesnake). The Governor's Budget proposes 15 positions and \$39.9 million General Fund in 2022-23, and \$41.3 million General Fund annually thereafter, to convert 13 Type I hand crews currently operating on temporary COVID-19 Federal Emergency Management Agency funding and seasonal reimbursement contracts with California Department of Forestry and Fire Protection into 14 Type I, year-round hand crews that conduct vegetation management, hazardous fuel reduction projects, and wildland fire suppression.

Staff Recommendation for Items 1-12: Approve as Budgeted.

These items were on the March 21, 2022 or April 25, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

8830 CALIFORNIA LAW REVISION COMMISSION

VOTE-ONLY ISSUE 2: COMMITTEE ON REVISION OF THE PENAL CODE

Data and Research Funding. The Governor's Budget proposes \$1.77 million in reimbursements from the Office of the Legislative Counsel (with an offsetting one-time General Fund augmentation to that office's budget) in 2022-23 to fund three years of contract research activities, including secure data hosting, with the California Policy Lab (CPL), a research center based in the University of California system. The Committee and CPL's research partnership is currently supported entirely by outside philanthropic funding which will not continue indefinitely.

This item was on the February 7, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

8140 OFFICE OF STATE PUBLIC DEFENDER

VOTE-ONLY ISSUE 3: SUPPORT GENERAL WORKLOAD

The Governor's Budget proposes \$442,000 ongoing General Fund and 3.5 positions to effectively manage OSPD's workload due to increased staff and additional responsibilities. The State Public Defender requires these positions to fulfill its statutory responsibilities to provide effective representation of individuals sentenced to death and to carry out its new mandate to provide training and technical assistance to defenders across California through its Indigent Defense Improvement Division.

This item was on the February 7, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

0250 JUDICIAL BRANCH
0390 JUDGES' RETIREMENT SYSTEM
9285 TRIAL COURT SECURITY
9286 TRIAL COURT SECURITY--JUDGESHIPS

VOTE-ONLY ISSUE 4: VARIOUS BUDGET PROPOSALS

1. State Court Facilities Construction Fund Solvency. The Governor's Budget proposes \$40 million General Fund on a one-time basis in 2022-23 to backfill the State Court Facilities Construction Fund and maintain existing service levels. The May Revision withdraws this proposal.

Staff Recommendation: Approve the May Revision withdrawal of this proposal.

2. Improvement and Modernization Fund (IMF). The Governor's Budget proposes provisional budget language authorizing the Director of the Department of Finance to transfer additional General Fund support to the IMF if revenues are lower than expected. The transfer can only occur 30 days after written notification to the Legislature.

3. AB 177 Trial Court Backfill. The Governor's Budget proposes requests \$13.4 million ongoing General Fund to backfill revenues lost from the repeal of fees in AB 177. AB 177 repealed various Penal Code and Vehicle Code sections that dealt with predominantly administrative fees which were used generally to cover various court services. The May Revision reduces the backfill by \$3.1 million ongoing General Fund, for a total of \$10.3 million ongoing general fund.

Staff Recommendation: Approve the May Revision proposal.

4. Court Of Appeals Court-Appointed Counsel. \$8.3 million ongoing General Fund in 2022-23 to support the Courts of Appeal Court Appointed Counsel Program. This total amount includes \$6.4 million ongoing General Fund for a \$15 rate increase for non-capital appeal appointments, and \$1.9 million for a permanent 10.5 percent increase in the Project Offices annual contracts.

5. Electronic Filing for Restraining Orders (AB 887 and SB 538). The Governor's Budget proposes \$2.6 million General Fund in 2022-23 and three positions and \$1.7 million in 2023-24 and ongoing to implement, support, and maintain electronic filing interfaces for domestic violence restraining orders, domestic temporary restraining orders, and gun violence restraining orders at all trial courts.

6. Probate Conservatorship Report (AB 1194). The Governor's Budget proposes \$1.25 million one-time General Fund in 2022–2023 to support costs of producing a comprehensive study of probate conservatorships in California and developing statewide recommendations, as required by AB 1194 which requires the Judicial Council, on or before January 1, 2024, to report to the Legislature the findings of a study of at least three courts measuring court effectiveness in conservatorship cases.

7. Public Access Staffing. The Governor's Budget proposes \$1.2 million General Fund in 2022-23 and 4 positions and \$1.1 million in 2023-24 and ongoing to address the volume and work related to requests for legal guidance and support with public access requirements for judicial branch administrative records and proceedings.

8. Judicial Branch Data and Information Governance. The Governor's Budget proposes \$15 million General Fund in 2022-23 and 11 positions and \$3.75 million General Fund ongoing beginning in 2023-24 to establish and implement branch data and information governance and expand the technology platform needed to improve and expand Judicial Branch data access, use, and sharing.

9. Trial Court Facility Modifications. The Governor's Budget proposes \$15.4 million ongoing General Fund, and \$4.0 million ongoing State Court Facilities Construction Fund reimbursement authority to address facility modifications in trial courts providing longevity of the state's assets, extending the useful life of building systems, and replacing aged systems in a timely manner to mitigate the risk of system failure.

10. Fresno County—New Fresno Courthouse. The Governor's Budget proposes \$21.16 million General Fund for the acquisition of the New Fresno Courthouse in Fresno County. The project will provide construction of a new 36-courtroom courthouse of approximately 413,000 square feet and will also require acquisition of a 2.09 acres site. The estimated total project cost is \$749,369,000.

11. Los Angeles County—New Santa Clarita Courthouse. The Governor's Budget proposes \$53.05 million General Fund for the Acquisition (\$41.75 million) and Performance Criteria (\$11.3 million) phases of the New Santa Clarita Courthouse in Los Angeles County. The project will provide construction of a new, 24-courtroom courthouse of approximately 278,000 square feet and will also require acquisition of a 4.53 acre site. The estimated total project cost is \$519,561,000.

12. Plumas County—New Quincy Courthouse. The Governor's Budget proposes \$7.06 million General Fund for the Acquisition (\$3.96 million) and Performance Criteria (\$3.1 million) phases of the New Quincy Courthouse in Plumas County. The estimated total project cost is \$100.89 million.

13. San Luis Obispo County—New San Luis Obispo Courthouse. The Governor's Budget proposes \$29.17 million General Fund for the acquisition of the New San Luis Obispo Courthouse in San Luis Obispo County. The estimated total project cost is \$291.9 million.

14. Solano County—New Solano Hall of Justice (Fairfield). The Governor's Budget proposes \$21.41 General Fund for the Acquisition (\$16.49 million) and Performance Criteria (\$4.91 million) phases of the New Solano Hall of Justice. The total estimated project cost is \$265.12 million.

15. Judgeships. The Governor's Budget proposes \$42.6 million in 2022-23 and \$42.3 million ongoing for 23 additional superior court judgeships, including associated security costs. The

judgeships will be allocated based on the Judicial Council's 2020 Judicial Needs Assessment. If approved, this proposal will fully fund and fill all judgeships authorized under the current law.

16. Spring Reappropriation Proposal. The Governor's spring proposal requests a reappropriation of \$80,000 related to the post judgment award in *Robert M. Mallano, Individually, and Behalf of a Class of Similarly Situated Persons v. John Chiang, Controller of the State of California* (Case No. BC-533770).

17. Local Assistance, Trial Court Security—Court Construction. The Governor's spring proposal requests an increase of \$3 million to provide ongoing resources to counties for trial court security costs resulting from new court construction projects and a correction to item 9285-101-0001 to correct an erroneous year reference.

18. Local Assistance, Trial Court Security—Judgeships. The Governor's spring proposal requests an increase of \$1,000 to provide ongoing resources to cover security costs associated with newly funded judgeships.

These items were on the March 7, 2022 agenda or the April 25, 2022 agenda.

Staff Recommendation: Approve the staff recommendations for items 1 and 3, adopt provisional budget bill language for Item 2 and for the remaining proposals, adopt as budgeted.

0690 OFFICE OF EMERGENCY SERVICES

ISSUE 5: VARIOUS BUDGET PROPOSALS

1. Headquarters Modernization. The Governor's Budget proposes \$5.23 million one-time General Fund in 2022-23 and \$1.96 million in 2023-24 for support costs associated with two authorized capital outlay projects for the construction phase of State Operations Center modification.

2. Mather: Headquarters Lobby Security Enhancements. The Governor's Budget proposes \$198,000 General Fund for the working drawings phase and \$1.11 million General Fund for the construction phase of the Mather: Headquarters Lobby Security Enhancements project.

3. Mather: Security Checkpoint Enhancements. The Governor's Budget proposes \$351,000 General Fund for the working drawing phase of this continuing project to install two permanent check points and upgrade existing entryway gates at the North and West entrances of the main parking lot.

4. Mather: Security Checkpoint Support. The Governor's Budget proposes \$200,000 ongoing General Fund for support costs related to the Headquarters Security Checkpoint Enhancement Capital Outlay project. This proposal will supplement an existing security contract to add two additional security guards.

5. Mather: State Operations Center Modification. The Governor's Budget proposes \$1 million General Fund for equipment and \$8.93 million General Fund for the construction phase of the State Operations Center (SOC) modification.

6. Emergency Services: Vulnerable Populations (AB 580). The Governor's Budget proposes \$1.41 million General Fund ongoing and 6 positions to review the emergency plans of each county to determine whether the plans are consistent with access and functional needs best practices and provide technical assistance, consistent with the requirements of Chapter 744, Statutes of 2021 (AB 580).

7. Disaster Service Worker Program. The Governor's spring proposal requests \$500,000 General Fund in 2022-23 and ongoing for the Disaster Service Worker Volunteer Program to provide sufficient and timely workers' compensation benefits to injured volunteers and eligible survivors, and issue medical provider payments without incurring penalty and interest fees.

8. Equality in Prevention and Services for Domestic Abuse Fund. The Governor's spring proposal requests a one-time budget authority increase of \$375,000 in Equality in Prevention and Services for Domestic Abuse Fund in 2022-23 to continue to develop and support a training curriculum, support service providers, and provide brochures associated with lesbian, gay, bisexual, and transgender domestic abuse.

9. Nuclear Planning Assessment Special Account Consumer Price Index Adjustment. The Governor's spring proposal requests an increase to the Nuclear Planning Assessment Special Account appropriations of \$10,000 state operations and \$53,000 local assistance in 2022-23 in accordance with provisions of Government code section 8610.5.

10. Implementing a 9-8-8 Behavioral/Mental Health Hotline. The Governor's Budget proposes \$7.52 million General Fund in 2022-23, \$5.98 million ongoing, and 10 positions in response to the Federal Communications Commission requirement to implement 9-8-8 nationwide. The requested resources will be used to procure, install, and maintain the 9-8-8 call handling equipment and to develop and implement the 9-1-1 to 9-8-8 interface.

11. Enhancing the Fire and Rescue Mutual Aid Fire Fleet. The Governor's Budget proposes \$11.18 million General Fund in 2022-23, \$10.86 million ongoing General Fund, and 11 positions to enhance the California State Fire and Rescue Mutual Aid System (System) specific to fire fleet.

Staff Recommendation for Items 1-11: Approve as Budgeted.

12. Peace Officer and Law Enforcement Legislative Requirements (AB 481). (Please note this proposal includes implementation funding for other state departments in other subcommittees.) The Governor's Budget proposes \$418,000 ongoing and 2 positions for OES to comply with AB 481 which requires all law enforcement agencies to obtain approval from their applicable governing body before they can request to acquire military equipment through the 1033 Program.

Staff Recommendation for Item 12: Assembly Budget Subcommittee 3 will take action regarding this budget proposal except for the proposed resources and positions for OES which shall be addressed in Assembly Budget Subcommittee 5. Reject the proposed resources and positions for OES (\$418,000 and 2 positions ongoing).

13. Strategic Plan. This Subcommittee proposes provisional budget bill language requiring OES to develop a strategic plan that includes goals for emergency response capacity and an assessment of existing capacity.

Staff Recommendation for Item 13: Adopt provisional budget bill language that reflects the Subcommittee's proposal in this item.

These items were on the March 7, 2022 or April 25, 2022 agenda.

Staff Recommendation: Adopt the Staff Recommendations for the items in Issue 5.

7870 CALIFORNIA VICTIM COMPENSATION BOARD

ISSUE 6: VARIOUS BUDGET PROPOSALS

1. Erroneous Conviction (SB 446). The Governor’s Budget proposes \$535,000 General Fund and 2.0 positions in 2022-23 and \$471,000 in 2023-24 and ongoing, to implement Chapter 490, Statutes of 2021 (SB 446). SB 446 creates a procedure that reassigns the burden of proof for granting compensation to an erroneously convicted person under Penal Code section 4900 when the underlying conviction was vacated.

2. Information Technology Security and Systems Enhancements. The Governor’s Budget proposes \$2.37 million Restitution Fund in 2022-23 and \$808,000 in 2023-24 and ongoing, to update information technology security systems and infrastructure.

3. Attorney General Fees—Erroneous Conviction Compensation Lawsuits. The Governor’s spring proposal requests an increase of \$874,000 in 2022-23 and 2023-24 for legal representation by the Department of Justice in lawsuits brought forth by individuals whose claims for erroneous conviction compensation were denied. In addition, the proposal request provisional language to specify the use of the funds.

These items were on the February 7, 2022 or April 25, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

0280 COMMISSION ON JUDICIAL PERFORMANCE

ISSUE 7: SPRING BUDGET REAPPROPRIATION

The Governor’s spring proposal requests a reappropriation of \$200,000 with funding available for encumbrance and expenditure until June 30, 2023, related to the establishment of a 15 member committee to review the operations and structure of the Commission on Judicial Performance and to develop recommendations that would improve the Commission’s ability to carry out its core responsibilities.

This item was on the April 25, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

0820 DEPARTMENT OF JUSTICE

ISSUE 8: VARIOUS BUDGET PROPOSALS PART 1

1. Assembly Bill 3099 Reappropriation. The Governor's Budget proposes a reappropriation of \$3.84 million General Fund in 2022-22, which was appropriated pursuant to Subdivision (b) (24) of Section 19.57 of Chapter 69, Statutes of 2021 (SB 129), to be used for the purposes of implementing the provisions of Chapter 170, Statutes of 2020 (AB 3099).

2. Charitable Organizations: AB 488. The Governor's Budget proposes \$415,000 Registry of Charitable Trusts Fund and 4 positions in 2022-23 and \$659,000 in 2023-24 and ongoing to implement and pursue actions pursuant to Chapter 616, Statutes of 2021 (AB 488).

3. Gender Identity: Female, Male or Nonbinary. The Governor's Budget proposes \$1.11 million General Fund in 2022-23 to begin implementation of necessary system modifications to meet the criminal justice community needs and mandates of Chapter 853, Statutes of 2017 (SB 179). SB 179 is specifically a mandate on the DMV; however, DMV driver's license and identification information is shared and utilized by agencies across the state, including the DOJ.

4. Human Trafficking: Vacatur Relief for Victims (AB 262). The Governor's Budget proposes \$491,000 General Fund and 1 position in 2022-23, \$99,000 in 2023-24, and \$95,000 in 2024-25 and ongoing to update the Criminal Justice Data Exchange pursuant to Chapter 193, Statutes of 2021 (AB 262).

5. Law Enforcement Gangs (AB 958). The Governor's Budget proposes \$1.29 million General Fund and 5 positions in 2022-23, and \$1.25 million in 2023-24 and ongoing to respond to additional investigations that fall within the expanded definition of "law enforcement gangs" pursuant to Chapter 408, Statutes of 2021 (AB 958).

6. Privacy: Genetic Testing Companies (SB 41). The Governor's Budget proposes \$396,000 General Fund and 2 positions in 2022-23, and \$382,000 in 2023-24 and ongoing to address an increase in consumer complaints, engage in settlement proceedings, and enforce consumer genetic privacy pursuant to Chapter 191, Statutes of 2021 (SB 41).

7. Registry of Charitable Trusts Workload. The Governor's Budget proposes \$1.4 million Registry of Charitable Trusts Account and 10 positions in 2022-23, \$1.3 million and 11 positions in 2023-24, \$1.4 million and 12 positions in 2024-25, and \$1.4 million and 13 positions in 2025-26 and ongoing to support increased workload from increased registrations and delinquency reduction.

8. Tribal Nation Grant. The Governor's Budget proposes \$137,000 Indian Gaming Special Distribution Fund in 2022-23 and ongoing, and 1 permanent position, to comply with mandated duties associated with the Tribal Nation Grant Fund Program.

9. Chapter 202, Statutes of 2021. The Governor's spring proposal requests \$1.22 million one-time to provide a General Fund loan to the Department of Justice to implement Chapter 202, Statutes of 2021 (AB 898).

10. Replacement of the License 2000 System. The Governor's Budget proposes \$902,000 Gambling Control Fines and Penalties Fund in 2022-23 to support continued Project Approval Lifecycle (PAL) efforts related to the replacement of the Bureau of Gambling Control's License 2000 System.

11. Firearms IT System Modernization Project. The Governor's Budget requests \$5.19 million Dealer Record of Sale Special Account in 2022-23 to plan and analyze the efforts necessary to modernize DOJ's firearms systems.

12. Firearms Tracing (AB 1191). The Governor's Budget proposes \$327,000 General Fund and 2 positions in 2022-23 and \$306,000 in 2023-24 and ongoing to analyze and report on firearms that were illegally possessed, used in a crime, or suspected to have been used in a crime pursuant to Chapter 683, Statutes of 2021 (AB 1191).

Staff Recommendation: Approve as Budgeted.

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| ISSUE 9: VARIOUS BUDGET PROPOSALS PART 2 |
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1. Police Use of Force. The Governor's Budget proposes \$2.3 million in 2022-23 and \$1.6 million ongoing thereafter to support the implementation of Chapter 326, Statutes of 2020 (AB 1506).

2. Sex Offender Registration Re-tiering. The Governor's Budget proposes \$4.5 million General Fund in 2022-23 and \$2.2 million in 2023-24 and ongoing to support previously established positions which are required on an ongoing basis to address the continued workload growth that has been generated by the mandates outlined in Chapter 541, Statutes of 2017 (SB 384). The DOJ received the necessary position authority for the permanent positions from the 2018 Budget Act and 2019 Budget Act, but only limited-term funding which expires June 30, 2022.

These items were on the March 21, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

ISSUE 10: VARIOUS BUDGET PROPOSALS PART 3

- 1. Criminal Procedure: Resentencing (AB 1540).** The Governor's Budget \$396,000 General Fund limited-term in 2022-23, decreasing to \$382,000 in 2023-24 through 2026-27, to provide legal response to appeals when criminal resentencing is denied, or a defendant claims an error occurred in resentencing, pursuant to Chapter 719, Statutes of 2021 (AB 1540).
- 2. Felony Murder Resentencing (SB 775).** The Governor's Budget requests \$3.6 million General Fund limited-term in 2022-23, and \$3.48 million in 2023-24 through 2025-26, to address increased resentencing hearings pertaining to initial sentence enhancements pursuant to Chapter 728, Statutes of 2021 (SB 775).
- 3. Firearms: Precursor Parts (AB 879).** The Governor's Budget proposes \$223,000 ongoing General Fund to support the accelerated implementation and ongoing workload associated with tracking the sale, possession, and transfer of precursor parts in the state.
- 4. Peace Officers: Release of Records (SB 16).** The Governor's Budget proposes \$7.44 million (\$3.4 million General Fund and \$4 million Legal Services Revolving Fund (LSRF)) and 27 positions in 2022-23 and \$6.47 million (\$2.7 million General Fund and \$3.8 million LSRF) in 2023-24 and ongoing to prepare records pertaining to peace office conduct for public disclosure pursuant to Chapter 402, Statutes of 2021 (SB 16).
- 5. Reproductive Health Care Services (AB 1356).** The Governor's Budget proposes \$879,000 General Fund and 4 positions in 2022-23 and \$671,000 in 2023-24 and ongoing to implement new data reporting requirements, prepare an annual report that details anti-reproductive healthcare rights violations and criminal offenses, and provide legal guidance to state and local entities pursuant to Chapter 191, Statutes of 2021 (AB 1356).

These items were on the March 21, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

ISSUE 11: CRIMINAL LAW (SB 715)

The Governor's Budget requests \$2.28 million Dealers' Record of Sales Account and 5 positions in 2022-23, increasing to \$3.46 million in 2023-24, \$1.48 million in 2024-25, \$1.02 million in 2025-26, and \$973,000 in 2026-27 and ongoing to facilitate and maintain multiple modifications to DOJ's firearms-related systems to meet the mandates outlined in Chapter 250, Statutes of 2021 (SB 715).

This item was on the March 21, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

ISSUE 12: SENTENCING (SB 483)

The Governor's Budget proposes \$794,000 General Fund limited-term in 2022-23 and \$768,000 in 2023-24 to address increased resentencing hearings pertaining to initial sentencing enhancements pursuant to Chapter 728, Statutes of 2021 (SB 483).

This item was on the March 21, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

8120 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

ISSUE 13: PEACE OFFICER CERTIFICATION

The Governor's Budget proposes \$22.7 million General Fund in 2022-23, \$20.6 million in 2023-24 and ongoing, and 127 positions to support implementation of Chapter 409, Statutes of 2021 (SB 2). SB 2 requires POST to establish the Peace Officer Standards Accountability Division (Division) within the Commission to review serious misconduct investigations conducted by law enforcement agencies, conduct follow up investigation if necessary, and make findings on matters that may lead to grounds for suspension or revocation of an individual's peace officer certification.

This item was on the February 7, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

ISSUE 14: DISTANCE LEARNING REAPPROPRIATION

The Governor's spring proposal requests an extension of the encumbrance availability for \$10 million included in the 2018 Budget Act and reappropriated in the 2020 and 2021 Budget Acts by one year, from June 30, 2022 to June 30, 2023. In addition, the proposal requests a reappropriation of \$300,000 included in the 2018 Budget Act and reappropriated in the 2021 Budget Act for use of force and de-escalation training equipment by one year, from June 30, 2022 to June 30, 2023.

This item was on the April 25, 2022 agenda.

Staff Recommendation: Approve as Budgeted.

0552 OFFICE OF INSPECTOR GENERAL

ISSUE 15: OVERSIGHT, C-ROB, AND INTAKE UNIT (OCI)

The Governor's Budget requests \$232,000 ongoing General Fund and 2 positions to address increased workload of the Office of Inspector General's OCI Unit. This unit is currently staffed with a total of six line-staff positions and requires two additional Associate Deputy Inspector General positions to handle its increased complaint workload.

Staff Recommendation: Approve as Budgeted.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS

ISSUE 16: SPRING BUDGET PROPOSAL

The Governor's spring proposal requests trailer bill language to change the allocation formula related to the community corrections program for three years to a formula that was adopted for one year as part of the 2021 Budget Act. This request would make the one time change adopted last year continue until 2024-25.

Staff Recommendation: Adopt placeholder trailer bill to approve the allocation formula change for one year only.

ISSUE 17: FRESNO COUNTY SB 1022 JAIL PROJECT—LEASE REVENUE BONDS TO GENERAL FUND

The Governor's Budget proposes \$81.5 million to pay off a Pooled Money Investment Account (PMIA) loan that is currently outstanding for the preliminary plans, working drawings, and construction phases of the Fresno County Jail project. The project was established and authorized for total funding of approximately \$79.2 million through the State Public Buildings Construction Fund (lease revenue bond financing authority) in a State Public Works Board (SPWB) action on June 15, 2015 through Government Code Sections 15820.92-15820.926. This request will eliminate the need to issue costlier bonds, resulting in debt service savings of approximately \$40 million over the 15-year life of the bonds.

Staff Recommendation: Approve as Budgeted.

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

ISSUE 18: VARIOUS BUDGET PROPOSALS

1. Bachelor's Degree Expansion. The Governor's Budget requests \$5 million General Fund in 2022-23, \$4.5 million in 2023-24, and \$4.7 million in 2024-25 and ongoing and 15 positions to expand the Bachelor's Degree Program to seven institutions.

2. Americans with Disabilities Act (ADA) Facility Improvements. The Governor's Budget requests \$22.2 million one-time General Fund for the construction of ADA accessibility improvements at the California Institution for Men, California Institution for Women, California State Prison – Los Angeles County, and Richard J. Donovan Correctional Facility.

3. American's with Disabilities Act (ADA) Staffing. The Governor's Budget requests \$2.6 million General Fund and 20 positions in 2022-23 and \$2.7 million ongoing to support court mandated ADA remedial measures for disabled incarcerated persons at various institutions. These resources will be used to provide the disabled population with increased access to programs, services, and activities consistent with the ADA. CDCR will monitor compliance by tracking litigation costs, decreases in the number of rules violations, and number of grievances and incident reports filed by the incarcerated population.

4. DOJ Legal Service Fees. The Governor's Budget requests \$1.5 million ongoing General Fund for Department of Justice Legal Services fees. Over the years, CDCR has utilized internal resources to address the ongoing deficit and permanently redirected \$9.9 million from its Administrative budget on an ongoing basis in the 2019 Budget Act, bringing the total ongoing appropriation to \$67.8 million. However, there are no additional internal resources available to offset these increased costs.

5. Light Duty and Modified Work Assignments Continuation. The Governor's Budget requests \$9.5 million General Fund and seven positions ongoing to support return-to-work programs, including the limited term light duty assignment and temporary modified work assignment policies.

6. Mental Health Data Analysis and Informatics. The Governor's Budget requests 22.0 positions and \$3.1 million from the General Fund in fiscal year 2022-23 and ongoing to support additional Mental Health reporting tasks, a new data validation project related to the *Coleman* court, and to address increased reporting requests from both internal and external stakeholders.

7. Microsoft End User Licensing Agreement. The Governor's Budget requests \$11.5 million General Fund in 2022-23, \$16.1 million General Fund in 2023-24, and \$17.5 million General Fund in 2024-25 and ongoing, to cover the increased cost of moving to a statewide contract for Microsoft End User Licensing Agreement.

8. Privacy Office Augmentation. The Governor's Budget requests 12.0 positions and \$2.1 million General Fund in fiscal year 2022-23 and ongoing for resources to enhance CDCR's ability

to identify, prevent, manage, and mitigate privacy, information security, and cybersecurity risks and threats, and address key vulnerabilities consistent with recent Corrective Action Plans.

9. Security Solutions and Laptop End User Security. The Governor's Budget requests 9 positions and \$4.4 million General Fund in 2022-23 and \$5.2 million General Fund in 2023-24 and ongoing to address information security and cybersecurity vulnerability.

10. Tattoo Removal Program. The Governor's Budget requests \$567,000 General Fund in 2022-23 and \$1.1 million General Fund through 2025-26 to implement a tattoo removal program. The 2019 Budget Act included resources to support the tattoo removal program; however, these resources were cut in the 2020 Budget Act due to anticipated economic issues resulting from the COVID-19 Pandemic.

11. Technical Adjustments. The Governor's Budget requests a net-zero change to permanently realign budget authority by program. Each year, the Budget Act provides CDCR funding and CDCR makes adjustments through various Executive Orders and Budget Revisions.

12. Support for Inmate-Ward Labor Construction Projections. The Governor's Budget requests \$1.1 million in reimbursement authority and 13 positions ongoing to support the Inmate/Ward Labor Program. These positions will provide administrative support in construction field offices by performing administrative tasks required for current construction projects.

13. Contract Reappropriation and Technical Adjustments. The Governor's spring proposal requests a reappropriation of \$224,000 to complete the purchase of a tracking system for individuals with disabilities associated with the 2021-22 Armstrong Court Compliance Continuation budget change proposal and net zero technical adjustments to correctly align resources across CDCR programs.

14. eDiscovery Platform, Redaction, and Delivery. The Governor's Budget proposes \$19.5 million General Fund and 10 positions in 2022-23 and \$1.4 million in 2023-24 and ongoing to develop an eDiscovery platform and increasing staffing for the centralized video storage and redaction unit.

15. Hepatitis C Virus Treatment Funding Augmentation. The Governor's Budget requests augmentation of \$47.1 million General Fund in 2022-23, \$76.3 million in 2023-24, and \$40.4 million in 2024-25 for the Hepatitis C Virus (HCV) treatment program. This supplemental funding will result in a total budget for treatment of HCV of \$107.1 million in 2022-23, \$136.3 million in 2023-2024, and \$100.4 million in 2024-25. These funds will allow CDCR the ability to treat an estimated 8,580 patients in 2022-23 and 2023-24, and 6,300 patients in 2024-25.

Staff Recommendation for Items 1-15: Approve as Budgeted.

16. Statewide Correctional Video Surveillance Continuation. The Governor's Budget requests \$80.3 million General Fund and 32 positions in 2022-23, and \$7.6 million General Fund in 2023-24 and ongoing to deploy fixed cameras at ten institutions, body-worn cameras at four institutions, and manage/maintain recorded video.

Spring Adjustment: Statewide Correctional Video Surveillance Continuation. The Governor's spring proposal requests an increase of \$17.25 million one-time General Fund and \$201,000 ongoing General Fund to the Statewide Correctional Video Surveillance Continuation Budget Change Proposal included in the 2022-23 Governor's Budget. Revised cost estimates that were completed after the release of the Governor's Budget in January indicated higher infrastructure related costs.

Staff Recommendation for Item 16. Approve the resources and adopt provisional budget bill language.

17. Cellular Interdiction. The Governor's Budget proposes 5 positions and \$12.6 million General Fund in 2022-23 (increasing to \$18.5 million in 2023-24 and decreasing to \$2.4 million in 2026-27 and ongoing) to install new cellphone interdiction technology at all 33 state-owned and operated prisons. Under the proposal, CDCR would install the technology at 8 prisons in 2022-23, 12 prisons in 2023-24, 12 prisons in 2024-25 and one prison in 2025-26. After the technology is installed, ongoing funding would support staff to operate and maintain the equipment.

Staff Recommendation for Item 17: Approve funding to support the proposed installation at 8 prisons in 2022-23 and 12 prisons in 2023-24 only. CDCR may request additional resources for the remaining prisons in a future budget year.

18. CALPIA Janitorial Expansion. The Governor's Budget requests \$8.6 million General Fund in 2022-23, and \$10.5 million General Fund in 2023-24 and ongoing for expanded contractual services with the California Prison Industry Authority. The additional funding will allow CalPIA to clean newly constructed health care spaces and dental areas, and increase institution supervisory staffing levels.

Staff Recommendation for Item 18: Approve the funding necessary to expand the Healthcare Facilities Maintenance program into new health care facilities and reject the proposed change to the supervisor to staff ratio and the associated funding.

19. Repurposing Condemned Housing. The Governor's Budget requests \$1.5 million one-time General Fund for a consulting contract to repurpose condemned housing/ support spaces at San Quentin State Prison.

20. Additional Staff for Victim Restitution Collection Services: The Governor's Budget requests six additional positions in 2022-23 and 2023-24 utilizing remaining resources in the Restitution Administrative Fee Fund (RAFF). Beginning in 2024-25, CDCR proposes to shift all expenditures supporting Victim Restitution Collection Services from the RAFF to the General Fund, resulting in \$3.1 million General Fund and 21 positions in 2024-25 and ongoing.

Staff Recommendation for Items 19 and 20. Reject these proposals.

21. Redaction Workload. The Governor’s Budget requests \$1.1 million General Fund and 7.6 positions in 2022-23 and ongoing for compliance with Chapter 402, Statutes of 2021 (SB 16). Chapter 988, Statutes of 2018 (SB 1421), amended Penal Code sections 832.7 and 832.8, making peace officer and custodial officer investigation and personnel records available for public inspection, pursuant to the California Public Records Act, when those records relate to reports, investigations, and findings of officer-involved incidents, including discharge of a firearm at a person; use of force resulting in death or great-bodily-injury; or sustained findings of sexual assault and acts of dishonesty directly relating to the reporting, investigation, or prosecution of crime, or misconduct by a fellow officer.

Staff Recommendation for Item 21. Approve the funding and proposed positions on a two year limited term basis.

22. Class Action Lawsuit Staff. The Governor’s Budget requests \$2.4 million General Fund and 14 positions in 2022-23 and \$2.3 million ongoing to handle legal work involved in class action lawsuits. This proposal is aimed at decreasing litigation costs through targeted intervention, the development of proactive litigation strategies and policy change, and the promulgation of regulations and policies that will assist in future termination of expensive class action litigation.

Staff Recommendation for Item 22: Approve the proposed resources and adopt provisional budget bill language that requires CDCR to report spending on class action lawsuits to the Legislature by August 31 of each year for five years beginning in 2022.

Staff Recommendation: Adopt the Staff Recommendations for the items in Issue 18.

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